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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Norbert Kraemer

Serial No: 10/531,559

Art Unit:

Filing Date: April 14, 2005

Title: METHOD AND DEVICE FOR THE ALIGNMENT AND LOCATION OF
A SAMPLE SUCH A TABLETS, PILLS OR TABLETTES.

December 1, 2005

Attorney's Docket No.: MSA260PR

TRANSMITTAL LETTER

RECEIVED

23 DEC 2005

Legal Staff
International Division

Hon. Commissioner for Trademarks

P.O. Box 1450

Alexandria, VA 22314

SIR:


Transmitted herewith for filing is:

- <X> RENEWED PETITION FOR REVIVAL OF APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) dated October 7,
2005
- <X> RESPONSE TO DECISION ON PETITION UNDER 37 CFR 1.42 and 1.137(b) –
REQUEST FOR RECONSIDERATION dated October 6, 2005
- <X> CERTIFICATE OF ACCURACY OF TRANSLATION dated December 1, 2005
- <X> DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION
(6 pages)

<X> The Commissioner is hereby authorized to charge any fees under 37 CFR 1.16, 1.17 and 1.18 or any additional fees which may be required during the entire pendency of the application, or credit any overpayment, to Acct. No.11-O224. A duplicate copy of this sheet is enclosed. If and only if(r) account funds should be insufficient, immediately contact our associate, Lisa Zumwalt, at (703) 415-0579, who will pay immediately to avoid deprivation of rights.

<> Please charge my Deposit Account No.11-O224 in the amount of \$_____. A duplicate copy of this sheet is enclosed.

A signature or signatures required for the above-recited document(s) is (are) provided here below. Such signature(s) also provide(s) ratification for any required signature appearing to be defective in the above-recited document(s).


Horst M. Kasper, 13 Forest Drive, Warren, N.J. 07059
Reg. No. 28,559 Tel.(908) 526-1717

MAILING CERTIFICATION: I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria, VA 22313-1450, on 12/02/05

Signature:  Date: 12/02/05

*%Pci9:d:transT(MSA260(December 1, 2005(am

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Norbert Kraemer

Serial No: 10/531,559

Filing Date: April 14, 2005

Title: METHOD AND DEVICE FOR THE ALIGNMENT AND LOCATION OF A
SAMPLE SUCH A TABLETS, PILLS OR TABLETTES.

October 6, 2005

Attorney's Docket No.: MSA260R3

***RESPONSE TO DECISION
ON PETITIONS UNDER 37 CFR 1.42 and 1.137(b)- REQUEST FOR
RECONSIDERATION***

RECEIVED

23 DEC 2005

Legal Staff
International Division

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Office of PCT Legal Administration
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A Decision on Petitions of October 3, 2005 states that this decision is in response to applicant's petition under 37 CFR 1.137(b) filed on 14 April 2005 and the included declaration with an indication that the inventor is deceased.

The Decision continues that on 20 May 2001, applicant filed international application PCT/DE01/01903, which claimed a priority date of 22 May 2000. A copy of the international application was transmitted to the Office by the International Bureau on 29 November 2001. The deadline for entry into the national stage in the United States was 21 November 2002. On 14 April 2005, applicant filed a submission for entry into the national stage in the United States which was accompanied by, inter alia, the U.S. Basic National Fee, a petition to revive and a declaration.

The Decision further states that a petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) a statement that the entire delay in filing the required reply

from the due date for the reply until the filing of a grantable petition was unintentional, (2) a proposed response, (3) the petition fee required by law (37 CFR 1.17(m)), and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995). Items (2), (3) and (4) have been satisfied. The basic national fee and petition fee have been paid. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Item (1) has not been satisfied. As this application has been abandoned for an extended period of time, applicant must state or literally mean "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional." Applicant's statement will not be construed.

Applicant respectfully submits that the following statement was included on page 2 of the Petition for Revival of Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b), filed on April 15, 2005: „the delay in entry into the national phase within 30 months since the priority date was unintentional.“ Since the statement, the applicant included in the Petition for Revival filed on April 15, 2005, is apparently not sufficient, the applicant requests that the following statement be added to the Petition for Revival filed on April 15, 2005: „the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.“

The Decision on Petitions concludes that a review of the declaration submitted on 14 April 2005 reveals that the declaration is signed by a legal representative. The declaration must list the inventor and his citizenship and the legal representative and the legal representative's citizenship,

residence and postal address. The declaration appears to list the information for the inventor, but not for the legal representative, as required. As such, the declaration does not satisfy 37 CFR 1.497(a)-(b) and 37 CFR 1.42. Nor does it comply with 37 CFR 1.69. For the above reasons, the Petition under 37 CFR 1.137(b) is dismissed without prejudice and the request for status under 37 CFR 1.42 is refused. Any request for reconsideration must be filed within a time period of two (2) months from the mail date of this decision. This period for response may be extended under 37 CFR 1.136(a). Any request for reconsideration of this decision should include a cover letter entitled "Renewed Submission under 37 CFR 1.42 and 1.137(b)".

Applicant submits a new Inventor Declaration containing all required information about the inventor and the legal representative of the deceased inventor. In addition, the applicant encloses the statement that the translation of the foreign text in the Declaration is accurate.

Reconsideration of the Petition filed on April 14, 2005 is respectfully requested.

Respectfully submitted,
Norbert Kraemer

By: *Horst M. Kasper*
Horst M. Kasper, his attorney
13 Forest Drive, Warren, N.J. 07059
Tel.: (908) 757-2839; Reg. No. 28,559
Attorney's Docket No.: MSA260

am

CERTIFICATE OF ACCURACY OF TRANSLATION

The undersigned Wilhelm Rohrs

at the offices of Horst M. Kasper
13 Forest Drive
Warren, N.J. 07059

certifies that:

- (1) He is fully conversant both with the English and German languages.
- (2) He has translated the Declaration and Power of Attorney for Patent Application, dated October 5, 2005, into the English language.
- (3) The translation is, to the best of his knowledge and belief, an accurate translation of the original document into the English language.

The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the matter with which this translation is used.

Date.: 12-2-05


Wilhelm Rohrs

*%pt0:translat(ger(December 1, 2005